

Determination of NEPA Adequacy

DOI-BLM-NV-W030-2011-0001-DNA

Ruby Pipeline Klamath County Reroute

February 2011

Prepared by:

U.S. Bureau of Land Management
Klamath Falls Resource Area
(Lakeview District Office)
2795 Anderson Avenue, Bldg. #25
Klamath Falls, OR 97603



Worksheet

Documentation of Land Use Plan Conformance and Determination of NEPA Adequacy

U.S. Department of the Interior
Oregon Bureau of Land Management
Klamath Falls Resource Area (Lakeview District)

The signed CONCLUSION at the end of this worksheet for a Determination of NEPA Adequacy (DNA) is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision; however, it constitutes an administrative record to be provided as evidence in protest, appeals and legal procedures. The route traverses lands managed by Bureau of Land Management, Klamath Falls Resource Area (BLM) and Bureau of Reclamation, Klamath Basin Area Office (Reclamation). The BLM is the federal agency responsible for issuing right-of-way grants for natural gas pipelines across federal lands for the Ruby Pipeline Project. As such, BLM, with concurrence from Reclamation, will oversee this process in compliance with the National Environmental Policy Act (NEPA) and will have the lead in providing input and direction for activities associated with construction and restoration. The terms Klamath County "Reroute" and "Route Variance" are used interchangeably in this document.

OFFICE: Klamath Falls Resource Area (Lakeview District)

TRACKING NUMBER: FERC/EIS-0232F

CASE FILE/PROJECT NUMBERS: 2880 NVN-084650

PROPOSED ACTION TITLE/TYPE: Ruby Pipeline Project/Natural Gas Pipeline Klamath County Reroute

APPLICANT: Ruby Pipeline, L.L.C.

LOCATION/LEGAL DESCRIPTION: BLM Permanent ROW

Table 1. BLM Permanent ROW							
		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>T. 41 S., R. 14.5 E., Willamette Meridian</u>							
sec. 19	Lot 1	625	50	0.7174	Klamath County Reroute	R660	112
sec. 19	Lot 2	1875	50	2.1522	Klamath County Reroute	R660	112
sec. 19	Lot 4	1375	50	1.5783	Klamath County Reroute	R660	112
<u>T. 41 S., R. 14 E.,</u>							

Table 1. BLM Permanent ROW

		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>Willamette Meridian</u>							
sec. 24	NE/4NE/4	1375	50	1.5783	Klamath County Reroute	R660	112
sec. 24	NW4NE/4	562.50	50	0.6457	Klamath County Reroute	R660	112
sec. 13	NW/4SW/4	380	50	0.4362	Klamath County Reroute	R661	113
sec. 13	SW/4SW/4	968.75	50	1.112	Klamath County Reroute	R661	113
sec. 13	SE/4SW/4	1500	50	1.7218	Klamath County Reroute	R661	113
sec. 13	SW/4SE/4	937.50	50	1.0761	Klamath County Reroute	R661	113
sec. 14	SW/4SW/4	1437.50	50	1.65	Klamath County Reroute	R662	113
sec. 14	SE/4SW/4	1343.75	50	1.5424	Klamath County Reroute	R662	113
sec. 14	SW/4SE/4	1281.25	50	1.4707	Klamath County Reroute	R661	113
sec. 14	SE/4SE/4	1375	50	1.5783	Klamath County Reroute	R661	113
sec. 15	SE/4SE/4	437.50	50	0.5022	Klamath County Reroute	R662	113
sec. 22	NE/4NE/4	1214.50	50	1.3941	Klamath County Reroute	R662	113

LOCATION/LEGAL DESCRIPTION: Reclamation Permanent ROW**Table 2. Reclamation Permanent ROW**

		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>T. 41 S., R. 14 E., Thirty-Third Principal Meridian</u>							
sec. 20	NW/4NE/4	1,137.66	50	1.31	Klamath County Reroute	R664.9	113
sec. 20	SW/4NE/4	181.24	50	0.21	Klamath County Reroute	R664.9	113
sec. 20	SE/4NE/4	1,389.95	50	1.60	Klamath County Reroute	R664.9	113
sec. 20	NE/4NW/4	1,360.44	50	1.57	Klamath County Reroute	R664.9	113
sec. 21	SW/4NE/4	1,337.51	50	1.54	Klamath County Reroute	R664	113
sec. 21	SE/4NE/4	1,377.21	50	1.59	Klamath County Reroute	R664	113
sec. 21	SW/4NW/4	1,258.96	50	1.45	Klamath County Reroute	R664	113
sec. 21	SE/4NW/4	1,341.12	50	1.54	Klamath County Reroute	R664	113
sec. 22	NW/4NE/4	1,375.00	50	1.58	Klamath County Reroute	R663	113A
sec. 22	NE/4NW/4	62.50	50	0.07	Klamath County Reroute	R663	113A
sec. 22	SW/4NW/4	1,344.09	50	1.55	Klamath County Reroute	R663	113A
sec. 22	SE/4NW/4	1,349.33	50	1.55	Klamath County Reroute	R663	113A
TOTALS		13515.01		15.56			

LOCATION/LEGAL DESCRIPTION: BLM Temporary Workspace

Table 3. BLM Temporary Workspace							
		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
<u>T. 41 S., R. 14.5 E., Willamette Meridian</u>							
sec. 19	Lot 1	250	65	0.3730		R660	112
sec. 19	Lot 1	375	145	1.2483		R660	
sec. 19	Lot 1		Total	1.6213	Temporary Workspace	R660	112
sec. 19	Lot 2	750	65	1.1191		R660	112
sec. 19	Lot 2	750	145	2.4966		R660	
sec. 19	Lot 2	375	65	0.5596		R660	
sec. 19	Lot 2		Total	4.1753	Temporary Workspace	R660	112
sec. 19	Lot 4	625	65	0.9326		R660	112
sec. 19	Lot 4	518	145	1.7243		R660	
sec. 19	Lot 4	232	65	0.3462		R660	
sec. 19	Lot 4		Total	3.0031	Temporary Workspace	R660	112
<u>T. 41 S., R. 14 E., Willamette Meridian</u>							
sec. 24	NE/4NE/4	458	145	1.5246		R660	112
sec. 24	NE/4NE/4	177	25	0.1016		R660	112
sec. 24	NE/4NE/4	500	145	1.6643		R660	112
sec. 24	NE/4NE/4	240	65	0.3581		R660	112
sec. 24	NE/4NE/4		Total	3.6486	Temporary Workspace	R660	112
sec. 24	NW4NE/4	562.50	65	0.8394		R660	113
sec. 24	NW4NE/4		Total	0.8394	Temporary Workspace	R660	113
sec. 13	SW/4SE/4	525	65	0.7834		R661	113
sec. 13	SW/4SE/4	412.50	145	1.3731		R661	113
sec. 13	SW/4SE/4		Total	2.1565	Temporary Workspace	R661	113
sec. 13	SE/4SW/4	337.50	145	1.1234		R661	113
sec. 13	SE/4SW/4	1162.50	65	1.7347		R661	113
sec. 13	SE/4SW/4		Total	2.8581	Temporary Workspace	R661	113
sec. 13	SW/4SW/4	187.50	65	0.2798		R661	113
sec. 13	SW/4SW/4	250	145	0.8322		R661	113
sec. 13	SW/4SW/4	531.25	65	0.7928		R661	113
sec. 13	SW/4SW/4		Total	1.9048	Temporary Workspace	R661	113
sec. 13	NW/4SW/4	380	145	1.2650		R661	113
sec. 13	NW/4SW/4		Total	1.2650	Temporary Workspace	R661	113
sec. 14	SE/4SE/4	1207	65	1.8010		R661	113
sec. 14	SE/4SE/4	168	145	0.5592		R661	113
sec. 14	SE/4SE/4		Total	2.3602	Temporary Workspace	R661	113
sec. 14	SW/4SE/4	907	145	3.0191		R661	113
sec. 14	SW/4SE/4	150	25	0.0861		R661	113
sec. 14	SW/4SE/4	224.25	145	0.7465		R661	113

Table 3. BLM Temporary Workspace

		<u>Length/Feet</u>	<u>Width/Feet</u>	<u>Acres</u>	<u>Facility</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
sec. 14	SW/4SE/4		Total	3.8517	Temporary Workspace	R661	113
sec. 14	SE/4SW/4	71.75	145	0.2372		R662	113
sec. 14	SE/4SW/4	1022	65	1.5250		R662	113
sec. 14	SE/4SW/4	250	145	0.8322		R662	113
sec. 14	SE/4SW/4		Total	2.5944	Temporary Workspace	R662	113
sec. 14	SW/4SW/4	975	145	3.2455		R662	113
sec. 14	SW/4SW/4	462.50	65	0.6901		R662	113
sec. 14	SW/4SW/4		Total	3.9356	Temporary Workspace	R662	113
sec. 15	SE/4SE/4	437.50	65	0.6528		R662	113
sec. 15	SE/4SE/4		Total	0.6528	Temporary Workspace	R662	113
sec. 22	NE/4NE/4	1214.50	65	1.8123		R662	113
sec. 22	NE/4NE/4		Total	1.8123	Temporary Workspace	R662	113
sec. 22	NW/4NE/4	750	145	2.4966			
sec. 22	NW/4NE/4	625	65	0.9326			
sec. 22	NW/4NE/4		Total	3.4292	Temporary Workspace	R663	113
sec. 22	NE/4NW/4	62.50	65	0.0933		R663	113
sec. 22	NE/4NW/4		Total	0.0933	Temporary Workspace	R663	113
sec. 22	SE/4NW/4	1500	65	2.2383		R663	113
sec. 22	SE/4NW/4		Total	2.2383	Temporary Workspace	R663	113

LOCATION/LEGAL DESCRIPTION: Reclamation Temporary Workspace**Table 4. Reclamation Temporary Workspace**

		<u>Length/Feet</u>	<u>Acreage</u>	<u>Facility/Legend</u>	<u>Approx. MP</u>	<u>Quad Sheet</u>
T. 41 S., R. 14 E., Thirty-Third Principal Meridian						
sec. 20	NW/4NE/4	1137.66	2.51	Temporary Workspace	R663	113A
sec. 20	NW/4NE/4	0	0.85	Staging Area	R663	113A
sec. 20	SW/4NE/4	181.24	5.94	Temporary Workspace	R662	113A
sec. 20	SW/4NE/4	0	0.10	Staging Area	R662	113A
sec. 20	SE/4NE/4	1389.95	2.01	Temporary Workspace	R663	113A
sec. 20	NE/4NW/4	1360.44	4.32	Temporary Workspace	R662	113A
sec. 21	SW/4NE/4	1337.51	2.00	Temporary Workspace	R664	113
sec. 21	SE/4NE/4	1377.21	2.05	Temporary Workspace	R664	113
sec. 21	SW/4NW/4	1258.96	1.88	Temporary Workspace	R664	113
sec. 21	SE/4NW/4	1341.12	2.01	Temporary Workspace	R664	113
sec. 22	NW/4NE/4	1375.00	3.43	Temporary Workspace	R663	113A

Table 4. Reclamation Temporary Workspace						
sec. 22	NE/4NW/4	62.50	0.09	Temporary Work space	R664.9	113
sec. 22	SW/4NW/4	1344.00	4.47	Temporary Workspace	R664.9	113
sec. 22	SE/4NW/4	1349.33	2.01	Temporary Workspace	R664.9	113
TOTAL		13,514.92	33.67			

A. Description of the Proposed Action and Any Applicable Mitigation Measures

The Ruby Pipeline Project (Project), proposed by Ruby Pipeline, LLC (Ruby), is composed of approximately 675.2 miles of 42-inch diameter natural gas pipeline, along with associated compression and measurement facilities, located between Opal, Wyoming and Malin, Oregon. The Project would include an approximate 2.6-mile lateral, known as the PG&E Lateral, to be constructed in Klamath County, Oregon. As proposed, the Project would have a design capacity of approximately 1.5 million Dekatherms per day, depending on final subscriptions. The Project's rights-of-way (ROWS) would cross four states: Wyoming, Utah, Nevada, and Oregon. In addition to the existing King Compressor Station at Opal, Wyoming, Ruby proposes to install four new compressor stations for the Project: one located near the Opal Hub in Wyoming, one in western Utah, one near the mid-point of the Project north of Elko, Nevada, and one northwest of Winnemucca, Nevada.

The proposed route for the Ruby pipeline was analyzed in the Ruby Pipeline Project Final EIS published in January 2010. Section 4/10 of the Final EIS provides for ongoing Section 106 consultation with the tribes. It is through such consultation with the Klamath Tribes that the BLM Lakeview District identified concerns regarding the location of the Project's route in relationship to an area with cultural resources with very high cultural and archaeological values. BLM documented the extent of the property through consultation with the Klamath Tribes and determined that a number of the identified sites met the criteria for listing in the National Register of Historic Places (NRHP) (see Attachment A).

An alternative route was developed to avoid direct impacts to the property. A DNA was prepared (see Attachment A) and it was concluded that the Klamath County Route Variance conformed to the applicable land use plans and that the NEPA documentation referenced in the DNA fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA. As per the terms of the Oregon Memorandum of Agreement (MOA) to mitigate affects to cultural resources eligible for inclusion in the NRHP, Ruby would continue to collect data to ascertain direct effect to cultural resources outside of the direct area of potential effect. As it currently stands, the Klamath Tribes have reached an understanding with Ruby that allows the Tribe to continue to object to any negative effects on cultural features and allows the Tribe to perform a culturally appropriate ceremony prior to any disturbance of a site. To date, the other three tribes, Fort Bidwell, Warm Springs, and Burns Paiute have been silent on the sites in the Klamath County route area. While these tribes are unlikely to state that they are uninterested in the Klamath County site area, they do seem to respect other tribes' territory, and this reroute is within traditional Klamath territory ceded to the United States in the treaty of 1864.

As part of its ROW grant application, Ruby submitted a “detailed construction, operation, rehabilitation, and environmental protection plan,” also known as a Plan of Development (POD) to BLM for the Ruby Pipeline Project. 43 CFR §2804.25(b). Ruby’s POD describes how it will comply with the applicable laws, regulations, and BLM Resource Management Plans in the construction and operation of the Project. The POD also describes additional environmental protection measures that Ruby will implement on the public and private lands crossed by the Project. The Project POD, incorporated by reference herein, also identifies avoidance, minimization, and conservation measures to address potential impacts to resources along the Klamath County Route Variance.

B. Land Use Plan (LUP) Conformance

LUP Name	Date Approved
Klamath Falls Resources Area (Lakeview District) Resource Management Plan	1995

*List applicable LUPs (for example, resource management plans; activity, project, management or program plans; or applicable amendments thereto).

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The KFRA RMP “Rights-of-Way Objectives” states that the District should continue to make BLM-administered lands available for needed ROWs where consistent with local comprehensive plans, Oregon statewide planning goals, and rules, and the exclusion and avoidance of areas identified in the RMP (BLM, 1995 [page 66]). The RMP also allows BLM to “consider new locations for rights-of-way projects on a case by case basis. In cases where the applicant can demonstrate that the use of an existing route or corridor will not be technically or economically feasible; that the proposed project is otherwise consistent with the RMP; and that it is designed to minimize damage to the environment, the proposed action would conform to the utility location management direction in the RMP. No land use plan amendments were needed.

C. Identify the applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Ruby Pipeline Project Final Environmental Impact Statement (January 2010, FERC/EIS-0232F)

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

☒ Yes
☐ No

Documentation of answer and explanation:

The analysis of the Southern Langell Valley Route alternative was included in the Final EIS referenced above in Section 3.4.15, pages 3-51 through 3-54. The new Klamath County Variance is in close geographical proximity to the Southern Langell Valley Route and contains similar resource conditions to the original route analyzed in the Final EIS. The legal descriptions for the proposed route variation are noted above.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action (or existing proposed action), given current environmental concerns, interests, and resource values?

☒ Yes
☐ No

Documentation of answer and explanation:

This 3.72 mile Route Variance is a minor variation similar in scope to many other minor route variations analyzed in the FEIS (see FEIS Table 3.5-1), and falls within the range of alternatives considered in the FEIS. The Klamath County Variance is similar to the Southern Langell Valley Route, and impacts to resources from the two routes are similar. This Variance is only a further refinement based on additional field survey data. The route change accomplishes avoidance of significant cultural sites identified in the Cultural Resource Survey(s) for the Ruby Pipeline Project: Oregon Segment – Klamath and Lake Counties, Oregon. This route change for the Klamath County Route Variance accomplishes further avoidance of cultural sites found in the area of potential effect along the Southern Langell Valley Route analyzed in the Final EIS.

3. Is existing analysis adequate in light of any new information or circumstances (such as, rangeland health standards assessment; recent endangered species listings, updated list of BLM sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

☒ Yes
☐ No

Documentation of answer and explanation:

The Klamath County Route Variance was resurveyed for biological and cultural resources following the release of the Final EIS and ROD. Ruby worked with the BLM, Reclamation, and The Klamath Tribes to design the route variation to avoid or minimize impacts to identified traditional cultural properties.

An interdisciplinary team conducted a review for any new information, studies, and analysis that would materially differ from earlier analysis in the Ruby Pipeline Project Final EIS (See Attachment A). Surveys were completed and resource data were compiled for a 300 foot survey corridor for the proposed route change and the existing route identified in the Final EIS. Based on the surveys, the resources are similar along both routes and differ primarily only in scale. Therefore the existing analysis in the FEIS is adequate.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

☒ Yes
☐ No

Documentation of answer and explanation:

The Klamath County Reroute reduces the number of cultural resources directly affected by construction of the pipeline and specifically minimizes effects to the Klamath County site, a National Register-eligible historic property deemed by both the BLM Klamath Falls Resource Area and The Klamath Tribes as exceptionally significant and unique. Indirect and cumulative effects would be similar in nature, but of lesser magnitude, than those described in the Ruby Pipeline Project Final EIS. As per the terms of the MOA (Attachment 2), Ruby will continue to collect data to ascertain indirect effects to cultural resources outside of the direct area of potential effect.

The Ruby Pipeline Klamath County Reroute Comparison of Resources Affected report provides a comparison of resources on the proposed route variance and existing authorized project route. (See Attachment A). Impact differences are minimal and all are adequately discussed in the Final EIS.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

☒ Yes
☐ No

Documentation of answer and explanation:

The Ruby Pipeline Project Final EIS was distributed to all interested members of the public and government agencies for review. Review of outstanding reports and surveys by interagency staff is ongoing. Ongoing Section 106 consultation is continuing as stated in the Project Final EIS and a Certificate Condition is noted in the Final EIS, section 4.10.

E. BLM Interdisciplinary Staff Consulted:

<u>Name</u>	<u>Title</u>	<u>Resource/Program Represented</u>
Don Hoffheins	Supervisory Planner	Resource Planning
Stephen Horne	Archaeologist	Cultural Resources
Andy Hamilton	Hydrologist	Water Resources
Rob Roninger	Fish Biologist	Aquatic Species

Steve Hayner	Wildlife Biologist	Terrestrial, Avian Species
Shane Durant	Lead Forester	Vegetation Management

F. Reclamation Interdisciplinary Staff Consulted:

<u>Name</u>	<u>Title</u>	<u>Resource/Program Represented</u>
Kristen Hiatt	Environmental Specialist	Environmental Compliance
Jennifer Birri	Water and Lands Specialist	Water and Lands
Adam Nickels	Archaeologist	Cultural Resources

CONCLUSION *(If you found that one or more of these criteria is not met, then you cannot conclude that the NEPA documentation fully covers the proposed action).*

Plan Conformance:

This proposal conforms to the applicable land use plan.

Determination of NEPA Adequacy

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

 2/23/11
 Donald J. Holmstrom Manager, Date
 Klamath Falls Resource Area

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

ATTACHMENTS:

Attachment 1. Map of the Klamath County Reroute
 Attachment 2. Oregon Memorandum of Agreement
 Attachment A. Comparison of Resources Affected

REFERENCES CITED

- 2010 Dobschuetz, Kris, Rachelle Robinson, Cara Lonardo, Rebecca Halbmaier, Sierra Mandelko, Sandy McDaniel II, *A Cultural Resource Survey for the Ruby Pipeline Project: Oregon Segment – Lake and Klamath Counties, Oregon. Addendum VIII – [REDACTED]* EPG, Phoenix (August 2010).
- 2010 Dobschuetz, Kris, Rachelle Robinson, Cara Lonardo, Rebecca Halbmaier, Sierra Mandelko, Sandy McDaniel II, *A Cultural Resource Survey for the Ruby Pipeline Project: Oregon Segment – Lake and Klamath Counties, Oregon. Addendum IX – [REDACTED]* EPG, Phoenix (November 2010).
- 2010 Ruby Pipeline, *Klamath County Reroute, Attachment A: Comparison of Resources Affected*. (February 2011).
- 2010 Shelley, et al., *Historic Properties Treatment Plan: Direct Effects of the Ruby Pipeline Project, Lake and Klamath Counties, Oregon*. (September 2010).